SB CRIMINAL REVISION PETITION NO.861/2006.
Manish Kumar Sharma Vs. State

7.9.2006.

HON'BLE MR.JUSTICE HARBANS LAL

Mr. Suresh Gupta for the petitioner.
Mr. Arun Sharma PP for the State.

This revision petition under Section 397 Cr.P.C. is directed against the order dated 21.7.2006 vide which the learned Addl. Sessions Judge (Fast Track) No.2, Jhunjhunu has framed charges for the offences under Sections 451/34, 352/34 and 120-B/376 IPC against the accused-petitioner in Sessions Case No.47/2006.

The relevant facts are that one Mahavir Prasad lodged a report FIR No.84/2006 at PS Udaipurwati for the offences under Sections 452, 456, 323 and 376 IPC against the petitioner and co-accused Pooran. After investigation, a charge-sheet was filed against the petitioner. A separate charge-sheet was filed against Pooran being a juvenile in conflict with the law before the Juvenile Justice Board. The order of the court below framing charges against the petitioner is called in question in this revision.

I have heard at length learned counsel for the petitioner as well as learned PP for the State and have perused the statements of witnesses recorded under Section 161 Cr.P.C. and further that of prosecutrix Kumari Rekha recorded under Section 164 Cr.P.C.

I do not find any ostensible error, illegality and impropriety in the impugned order so as to call for and justify interference of this court in

the impugned order which is based on a proper consideration of the materials on record and the settled law in this behalf. At the stage of framing of charges, the court has to examine and consider the record and the submissions made at the bar only with a view to find out as to whether there are grounds for presuming that the accused has committed the alleged offences and if there are primafacie such grounds, the order framing charge cannot be interfered with in the limited scope of revision.

Learned counsel for the petitioner has contended that there are contradictions in the statements of the prosecutrix recorded under Sections 161 and 164 Cr.P.C. and, therefore, no charge against the petitioner can be framed. But a perusal of the impugned order reveals that this aspect of the matter has been duly considered by the learned court below and in the face of the materials on record, it cannot be said that the charges framed against the petitioner are groundless or baseless.

In this view of the matter, therefore, this revision petition being not fit for admission deserves to be and is hereby dismissed.

(HARBANS LAL)J.